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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 LUIS MONTIJO,

12 Plaintiff,

13 v.

14 AMAZON.COM SERVICES, LLC,

15 Defendant.  
16

No. 1:22-cv-00084-ADA-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DIRECTING  
CLERK OF COURT TO TRANSFER  
ACTION TO CENTRAL DISTRICT OF  
CALIFORNIA

(ECF. Nos. 13, 29)

17 Currently before the Court is Defendant Amazon.com Services LLC's: (1) motion to  
18 dismiss, stay, or transfer action pursuant to the first-to-file doctrine; (2) motion to alternatively  
19 stay pursuant the Court's inherent power; and (3) motion to alternatively dismiss pursuant to  
20 Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6). (ECF No. 13.) The motions were referred  
21 to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On November 3, 2022, the assigned Magistrate Judge issued findings and  
23 recommendations recommending that Defendant Amazon.com Services LLC's motion to transfer,  
24 dismiss, or stay action be granted, and this action be transferred to the United States District  
25 Court for the Central District of California. (ECF No. 29.) The Magistrate Judge also  
26 recommended the alternative motions to dismiss be denied as moot. (*Id.*) The findings and  
27 recommendations contained notice that any objections were to be filed within fourteen (14) days  
28 of service. (*Id.* at 21.) No objections were filed and the deadline to do so has expired.

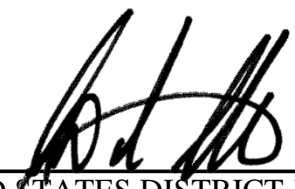
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that  
3 the findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on November 3, 2022, (ECF No. 29),  
6 are ADOPTED in full;
- 7 2. Defendant Amazon.com Services LLC's motion to transfer, dismiss, or stay  
8 action, (ECF No. 13), is GRANTED;
- 9 3. This action shall be TRANSFERRED to the United States District Court for the  
10 Central District of California, where an earlier-filed putative class action, *Porter v.*  
11 *Amazon.com Services LLC*, Case No. 2:20-cv-09496-JVSSHK, is pending against  
12 Defendant;
- 13 4. The Clerk of the Court is DIRECTED to transfer this action to the United States  
14 District Court for the Central District of California;
- 15 5. Defendant's alternative motion to stay this action pursuant to the Court's inherent  
16 powers is DENIED as moot; and
- 17 6. Defendant's alternative motion to dismiss this action under Federal Rules of Civil  
18 Procedure 12(b)(1) and 12(b)(6), is DENIED as moot.

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21 IT IS SO ORDERED.

22 Dated: December 15, 2022

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UNITED STATES DISTRICT JUDGE